

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*United Food & Commercial Workers  
Health & Welfare Fund of Northeastern  
Penn., Case No. 17-op-45177*

*Sheet Metal Workers Local No. 25  
Health & Welfare Fund, Case No. 18-  
op-45002*

*Louisiana Assessors Ins. Fund, Case  
No. 18-op-46223*

*Pioneer Telephone Cooperative Inc.  
Employee Benefits Plan, Case No. 18-  
op-46186*

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**JOINT MOTION TO SEVER AND STAY CARDINAL HEALTH, INC.,  
AMERISOURCEBERGEN DRUG COMPANY, AND MCKESSON CORPORATION**

Third Party Payor (“TPP”) Plaintiffs and Defendants Cardinal Health, Inc., AmerisourceBergen Drug Corporation, and McKesson Corporation (“Settling Defendants”) jointly move this Court to sever and stay the above-captioned proceedings against the Settling Defendants, in order to allow the parties time to negotiate settlement documentation. The grant of a severance and stay is appropriately within the Court’s discretion, avoids waste of judicial resources, and is consistent with the Court’s authority to sever parties from the action and order separate trials pursuant to Federal Rules of Civil Procedure 21 and 42, respectively.<sup>1</sup>

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<sup>1</sup> TPP Plaintiffs and the Settling Defendants will inform the Court of the status of settlement proceedings every 90 days after the order granting this Motion. The requirement to provide a status report will be

TPP Plaintiffs and the Settling Defendants therefore request that the Court sever the Settling Defendants from the above captioned cases and stay all proceedings as to the Settling Defendants, including any and all obligations under this Court's *Nunc Pro Tunc* Amended Case Management Order (Dkt. 5298), to allow for finalization in accordance with the parties' agreement.

Dated: May 30, 2024

Respectfully submitted,

**FOR SETTLING PLAINTIFFS**

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mooted in the event that TPP Plaintiffs and the Settling Defendants jointly file further papers memorializing the final terms of the Parties' agreement. If the anticipated settlement is not finalized, TPP Plaintiffs and the Settling Defendants shall so inform the Court via a status report. In that event, the deadlines for Settling Defendants to file Motions to Dismiss and/or Answers or take any other litigation action will remain stayed pending further discussion with the Court and entry of a scheduling order.

**FOR SETTLING DEFENDANTS**

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**SO ORDERED.**

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**JUDGE POLSTER**

Dated: \_\_\_\_\_, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court's CM/ECF system.

/s/ Ashley W. Hardin  
Ashley W. Hardin